

Karin Graf

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Biography

Karin Graf is a partner in the dispute resolution practice group of Wenger Plattner's Zurich office. She has been handling disputes for 20 years and is praised for being very skilled, solution-oriented and able to break down complex matters. In addition, Karin Graf regularly sits as arbitrator in international commercial arbitrations. Karin Graf speaks German, English, French, Italian and Spanish.

What inspired you to pursue a legal career?

I realised that I take great pleasure in language, debate, analytical thinking and teamwork. Working as a litigator satisfies all these passions. Every conflict has its history. As a litigator, my job is to work through these stories together with our clients, put facts into a legal context and resolve them in the best possible way. This has an investigative, fact-based component, but is also creative work with a human factor.

What qualities make for an effective litigator?

In the internal relationship with the client, it is important to understand the client's needs, to analyse the circumstances of the dispute properly and to define a strategy. In the external relationship with the court and the counterparty, it is also important to show determination, decency and stamina.

What procedural issues relating to dispute resolution do you see arising from covid-19 where the majority of participants continue to live under lockdown?

Covid-19 has not affected Switzerland as much as other countries. But it has nevertheless catapulted us technologically into another age. Our courts were able to conduct certain procedural steps virtually. We have been offered an opportunity to live through modernisation at a rapid pace. Especially in the area of arbitration, there has been increased discussion as to whether, and which, procedural steps are suitable for virtual execution. I regard this development as positive and

find it valuable that we have been forced to leave our comfort zone. However, not every procedural step can be carried out remotely in a way that will ensure equal treatment of the parties and their right to be heard. Going forward, we should make sure that the flow of innovation is maintained and will produce a cost reduction. At the same time, we need to be mindful of safeguarding procedural rights and equality.

How does your experience as an arbitrator enhance your approach when acting as party representative in complex disputes?

As an arbitrator, the fact that you see successful and less successful examples keeps you aware of how a case must be presented in order to be dealt with efficiently by a tribunal. The trial lawyer must facilitate the work of the judge. I have also concluded and confirmed numerous times, both during my time in state courts and later in my arbitration practice, that excessive aggression and harshness are not effective. They intensify the conflict and do not impress the court. A good judge will only be convinced by quality and that is what we need to focus on.

What is the most memorable case you have been a part of?

I was representing the 50 per cent owner of a very successful, internationally active Swiss SME in a dispute against the other 50 per cent owner. A personal conflict had become intolerable for both co-owners and for the many employees. The survival of the company was at risk. We defined a strategy with best, second-best and worst-case scenarios

and sued for dissolution of the company before an excellently staffed arbitral tribunal. The company was represented by a trustee. The other co-owner could not be sued directly for procedural reasons and refused to participate in the arbitration. Complex questions of enforceability arose. Approximately six months after we had filed the lawsuit, a solution was found which I still consider to be constructive today and which enabled both parties to continue their professional careers separately. At that time, I felt a sense of corporate co-responsibility for the firm and its employees and was proud and relieved to have contributed to a good solution. I still have the pleasure of advising this client's many new ventures today.

What advice would you give to younger lawyers looking to establish a career in dispute resolution?

As a young lawyer I thought that it was enough to do an excellent job and be willing to achieve a goal. I had to realise, however, that a career rarely follows a straight line.

First of all, and obviously, you need to have the necessary skills and be an outstanding lawyer. In addition, however, you have to learn to position yourself within the firm; you have to find alliances and remain authentic. For this to happen it sometimes takes a little patience and the constant confirmation of one's own will. It is a constant learning process. But ultimately it is also good training for representing clients: if you can represent and communicate your own point of view, this can also be applied to representing clients in litigation.

WWL says: Karin Graf is "a responsive, brilliant lawyer" who "seeks effective solutions for the client". She "is very empathetic" and "clear when explaining complex legal issues".